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Attorneys for Plaintiff, JOSUE SOTO, Individually, On Behalf of All Others Similarly Situated, and on Behalf of the General Public

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOSUE SOTO, Individually, On Behalf of All) CIVIL NO. 08-CV-0033-L-AJB
Others Similarly Situated, and on Behalf of the)
General Public,)
Plaintiff,) **CLASS ACTION**
v.)
DIAKON LOGISTICS (DELAWARE), INC., a)
foreign corp.; and DOES 1 through 50,)
inclusive,)
Defendants.)
AND ALL COUNTER-CLAIMS)

1 IT IS HEREBY CERTIFIED THAT:

2 I, Derek J. Emge, am a citizen of the United States and am at least eighteen years of age.
3 My business address is 550 W. C Street, Suite 1600, San Diego, CA 92101. I am not a party to the
4 above-entitled action. I have caused service of:

5 **NOTICE OF MOTION AND MOTION TO DISMISS**
6 **COUNTERCLAIM AS TO JOSUE SOTO AND THIRD PARTY**
7 **COMPLAINT AS TO SAYBEE'S LLC**

8 on the following parties by electronically filing the foregoing with the Clerk of the District Court
9 using its ECF System, which electronically notifies them:

10 **James H. Hanson**
11 **Robert L. Browning**
12 **R. Jay Taylor Jr.**
13 **SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY**
14 **10 West Market Street, Suite 1500**
15 **Indianapolis, IN 46204**

16 **Christopher C. McNatt, Jr.**
17 **SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY**
18 **2 North Lake Avenue, Suite 460**
19 **Pasadena, CA 91101**

20 **Todd J. Hilts, Esq.**
21 **LAW OFFICE OF TODD J. HILTS**
22 **2214 Second Ave.**
23 **San Diego, CA 92101**

24 **David A. Huch**
25 **LAW OFFICES OF DAVID A. HUCH**
26 **7040 Avenida Encinas, Suite 104**
27 **Carlsbad, CA 92011**

28 I hereby certify that I have caused to be mailed the forgoing, by the United States Postal
Service, to the following non-ECF participants on this case:

29 **N/A**

30 the last known address, at which place there is delivery service from the United States Postal
31 Service.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct as executed on this day, February 8, 2008.

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4 _____
5 DEREK J. EMGE
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